

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 775 of 2000

For Approval and Signature:

Hon'ble MR.JUSTICE K.M.MEHTA

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

P.S.ATTOKARAN

Versus

GUJARAT NYLONS LTD.

Appearance:

MS SONALI R DESAI for Petitioner
NANAVATI ASSOCIATES for Respondent No. 1

CORAM : MR.JUSTICE K.M.MEHTA

Date of decision: 18/12/2000

ORAL JUDGEMENT

1. Mr.P. S. Attokaran, applicant - original
petitioner has filed this Civil Revision Application
challenging the order dated 29th June, 2000 passed by the
Civil Judge (J.D.), Ankleshwar, wherein the learned Judge

was pleased to dismiss the application below Ex.1 delay of condonation, Ex.7 in Regular Civil Suit No. 333 of 1993 for staying the suit and Ex.8 for setting aside exparte decree in this behalf.

2. Gujarat Nylons Limited, respondent - original plaintiff had filed a suit to recover the so-called due amount of Rs.39,271/- (Rupees Thirty Nine Thousand Two Hundred Seventy One Only) against Mr.P. S. Attokaran, opponent - original defendant. In the said suit, though defendant has not served the summons and he did not appear in the said suit and, therefore, the exparte decree was passed against him on 31st December, 1996.

3. Being aggrieved and dissatisfied the said judgment and order, the petitioner - original defendant has filed Misc. Civil Application No.6 of 1999. In that application, he filed applications i.e. Ex.1 for condonation of delay, Ex.7 for staying of the suit and Ex.8 for setting aside the order dated 31st December, 1996.

4. The learned Judge by his judgment and order dated 29th June, 2000 was pleased to dismiss all the applications filed by the applicant. That original summons was already served on original petitioner and though adequate opportunity was given to him, but he did not appeared and there is about two years delay for filing this appeal. The learned Judge has passed exparte decree on 31st December, 1996, whereas the present application was filed, applicant could not show sufficient cause by filing this application late by 2 1/2 years. The learned Judge was already issued summons, the same were also served on original petitioner.

5. After relying upon the decision of this Court in the case of Shri Bhudarbhai v/s. Parsottamdas, reported in 1961 GLR 509, the learned Judge has rejected these three applications in this behalf.

6. Ms.Sonali R. Desai, learned counsel appearing on behalf of the applicant - original petitioner. However, she has tried to assail the order of the learned Judge. However, she could not be pointed out any reason for setting aside the said order. The learned counsel for the petitioner has not able to point out any error in Judgment of the learned Judge. I have also gone through the order of the learned Judge. There are no infirmity in the oder of the learned Judge.

7. In view of the same, this civil revision

application is dismissed. Notice is discharged.

(K. M. Mehta,J.)

(vrp)*